



LORD
WANDSWORTH
COLLEGE

PUBLIC INTEREST DISCLOSURE “WHISTLEBLOWERS” POLICY

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Robert Hannington
Chairman of Governors

Public Interest Disclosure “Whistleblowers” Policy

LINKS TO

- Safeguarding and Child Protection Policy

THE POLICY

At Lord Wandsworth College, we have a culture of valuing staff and of reflective practice. We have a culture of safety and encourage all individuals to raise concerns.

This policy applies to all individuals working at all levels of the organisation including governors, senior managers, officers, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff and volunteers. The aim of the policy is to provide a procedure under which individuals who have reasonable grounds to believe that an incident of workplace malpractice (including safeguarding and child protection issues) poor provision for mediation and dispute resolution where necessary or mismanagement has occurred, is occurring or is likely to occur within the College, are able to raise their concerns. All members of staff must make sure that they are aware of the action that must be taken when child abuse is suspected; see Safeguarding and Child Protection Policy.

The College is committed to ensuring that any incident of workplace fraud or mismanagement and any safeguarding issue is prevented wherever possible, and immediately dealt with, should they arise. Employees are often the first to realise that something is wrong in the workplace but they may feel that they cannot express their concerns because to do so would be disloyal to their colleagues or to the College or could result in them being subjected to harassment or victimisation.

The College encourages employees to raise their concerns about any incidents of malpractice in the workplace at the earliest possible stage. This policy sets out the correct procedure for raising such concerns.

Provided employees follow the procedural steps set out in this policy, they will be able to raise genuine concerns about malpractice within the workplace without fear of loss of job, harassment or victimisation by the College. Any abuse of this policy will result in disciplinary action, and may lead to dismissal.

PROCEDURE

The College’s primary aim is to prevent workplace malpractice from occurring in the first place. If it happens, it is our objective to prevent it recurring. If appropriate, every effort will be made to resolve the situation on an informal basis in the first instance. If this is not possible, the College will take formal action to investigate and take whatever steps are necessary.

The First Step

If you have a concern about a safeguarding issue, contact the Designated Safeguarding Lead (DSL) or one of the Deputy Designated Safeguarding Leads or the Headmaster (if the allegation is against a member of staff) or the Chairman of the Board of Governors via the Bursar (if the allegation is against the Headmaster). Consult the Safeguarding and Child Protection Policy for more guidance.

If you have a concern about poor or unsafe practice, poor provision for mediation and dispute resolution or work place malpractice, you should initially discuss it with your Line Manager, who will usually be in the best position to help. He or she will attempt to resolve the matter as promptly as is reasonably practicable. You will normally be told what action the College has decided to take and you must treat any such information with the strictest confidence.

There may be circumstances where you feel unable to approach your Line Manager and in these circumstances you should raise the concern directly with a member of the Senior Leadership Team or the

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Chairman of the Board of Governors. You will normally be told what action the College has decided to take and you must treat any such information with the strictest confidence.

Further Steps

If you are dissatisfied with the action taken in respect of your concerns, you should raise your concerns in writing with the Headmaster, Bursar or the Chairman of the Board of Governors who will either deal with the matter or designate an appropriate management representative, as appropriate.

If your concern relates to safeguarding, consult the Safeguarding and Child Protection Policy for guidance. Remember that all members of staff can contact Children’s Services.

You should be aware that your concerns will, as far as possible, be dealt with in confidence. There may be circumstances, however, where it will not be practicable for the College to pursue a complaint or to deal with an alleged wrong doer without the identity of the complainant becoming known.

The person responsible for hearing your concerns will normally arrange a meeting with you. You may be required to set out your concerns in writing in advance of the meeting. Your concerns will then be discussed in full at the meeting and the person hearing the complaint will decide if any further action needs to be taken and, if so, what the appropriate action will be. This may include requiring you to attend a further meeting with a higher level of management or asking you to provide any further evidence which is considered necessary. The purpose of this process will be to obtain the nature of your concerns and the detailed basis of them, as well as considering the nature and scope of evidence that you are aware of. You will normally be told what action the College has decided to take and you must treat any such information with the strictest confidence.

FURTHER ACTION

If the concern raised is found to be valid then the College may decide that one or more of the following steps (which is a non-exhaustive list) is appropriate:

referral of the matter to the College’s Board of Governors with a view to an internal investigation being carried out;

referral of the matter to the appropriate external regulatory body for further investigation;

referral of the matter to the police;

referral of you to the grievance procedure.

As stated above, you will normally be informed of any decision taken and you are required to keep this decision strictly confidential.

EXTERNAL DISCLOSURE

If, after having followed the procedural steps set out above, you remain genuinely and reasonably dissatisfied with the outcome, you may raise your concern, on a confidential basis, with the appropriate College’s regulatory authority. You **must** inform the Headmaster or the Chairman of the Board of Governors at least seven (7) days before taking such action.

If your concern is about serious wrongdoing of the charity then this can be reported to the Charity Commission. See Annex A.

PROTECTION FROM VICTIMISATION

Provided you raise any concerns in good faith and not out of malice or with a view to personal gain on your part and you have reasonable grounds for believing your concerns to be true and you have complied in full with the spirit of the policy and procedural steps set out above, the following will apply:

so far as possible your identity will not be disclosed at any time by the College unless necessary for the purposes of its investigations or to comply with a legal obligation;

you will not be subjected to any harassment, victimisation or disciplinary action by the College as a result of raising the concern;

so far as possible any supporting evidence relating to your concerns will be kept secure at all times.

DISCLOSURES OUTSIDE THIS POLICY

If at any time it is discovered that you have raised a concern maliciously, vexatiously, in bad faith or with a view to personal gain or that you have failed to follow the College’s policy for disclosure, set out above, you will lose the protection provided to you under this policy. In addition, you may be subject to the College’s disciplinary procedure, including dismissal.

HELPLINE

For safeguarding or child protection concerns:
NSPCC Whistleblowers Helpline 0800 028 0286

If you are unsure whether you should raise an issue under this policy, or you would like advice on raising such issues, you can obtain free confidential advice from Public Concern at Work (an independent authority):

Address:	Public Concern at Work, 3 rd Floor Bank Chambers, 6-10 Borough High Street, London SE1 9QQ
Telephone (general enquiries & helpline):	020 7404 6609
Fax:	020 7403 8823
Email (UK enquiries):	whistle@pcaw.co.uk / helpline@pcaw.co.uk

ANNEX A WHISTLEBLOWING: GUIDANCE FOR CHARITY EMPLOYEES (GOV.UK)

Charities and whistleblowing: key points

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission.

The commission asks that whistleblowing reports are made in writing via the dedicated [whistleblowing email address](#).

These employees have some protection in law under the Public Interest Disclosure Act (the Act) from detrimental treatment or victimisation from their employer if, in the public interest, they report concerns about serious wrongdoing at their charity to the commission, provided that the concerns they report meet the conditions in the Act for a ‘protected disclosure’.

Who the Public Interest Disclosure Act protects

The Act protects most employees in the charity sector who report concerns about certain serious matters about their employer to the commission. The Act does not apply to:

- genuinely self-employed professionals (other than in the NHS)
- voluntary workers - this includes charity trustees (who should report concerns via [serious incident reporting](#)) and charity volunteers

How the Act protects charity employees

The Act protects employees in a number of ways, for example:

- if a charity employee is dismissed because they have made a protected disclosure, that will be treated as unfair dismissal
- they have a right not to be subjected to any ‘detriment’ by their employers on the ground that they have made a protected disclosure, and to present a complaint to an employment tribunal if they suffer detriment as a result of making a protected disclosure

What type of disclosures are protected

For a disclosure to the commission regarding a charity to be protected by the Act’s provisions:

- it must relate to at least one of the following matters that ‘qualify’ for protection:
 - a criminal offence
 - the breach of a legal obligation
 - a miscarriage of justice
 - a danger to the health and safety of any individual
 - damage to the environment
 - deliberate concealment of information tending to show any of the above five matters
- the employee must:
 - reasonably believe that the relevant failure relates to ‘the proper administration of charities and funds given, or held, for charitable purposes’
 - reasonably believe that the information disclosed and any allegation contained in it are substantially true

It should be noted that where an employee is victimised for making a disclosure to the commission, any claim they may have under the Act is against his or her employer and not against the commission.

How the commission deals with disclosures from whistleblowers

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The commission considers whistleblowing disclosures in the same way that it considers complaints about charities from other sources.

The commission’s guidance [Complaints about charities](#) explains in general terms what happens when a concern is raised with the commission and gives examples of the powers it has to investigate these concerns and to put matters right. The action the commission will take as a result of the concerns brought to its attention will of course depend on the nature of these concerns.

The commission will respect confidences so far as it is able, with due regard to the individual’s rights to privacy under data protection and human rights legislation. However, a person who is subject to any enquiries made by the commission is entitled to know the nature of the allegations being made. Any person criticised by the commission as a result of any enquiry has a right to be told the nature of the evidence upon which the criticism has been based.

While the commission will take every step to try to ensure that a complainant’s identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source. Also, in limited cases there may be an obligation to reveal information under freedom of information legislation or by order of the court in legal proceedings.

Information obtained in the course of an inquiry made under s46 of the Charities Act 2011 may, in the public interest be published in an inquiry report.

Help and advice for potential whistleblowers

The charity [Public Concern at Work](#) provides free confidential advice to employees who have concerns about wrongdoing in the workplace. Contact the charity on 020 7404 6609.